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# THE BASTARD BULLET

A SEARCH FOR LEGITIMACY

for

COMMISSION EXHIBIT 399

by

RAYMOND MARCUS



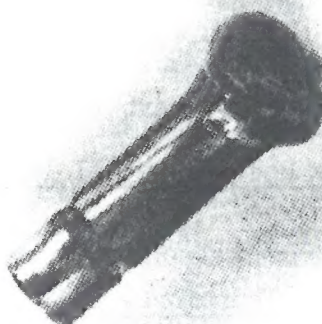
"... In a scholarly and minutely detailed analysis the author demolishes a central and essential portion of the Warren Commission's case."

MARK LANE



Commission Exhibit 399

This is the bullet which the Warren Commission insists pierced President Kennedy's neck; then pierced Governor Connally's chest from back to front, fracturing his rib; then pierced his right wrist, shattering the bones; then penetrated his left thigh. The Commission further insists that this bullet left the numerous metal fragments found in the Governor's body.



Commission Exhibit 856

This is a bullet (of the same type as 399), which was test fired for the Commission through the wrist of a human cadaver.



as "Activities from 12:30 P.M., November 22 through November 25, 1963"), does Wright mention anything about the bullet; not its discovery, nor his receipt of it, nor his transmittal of it to Agent Johnsen. Yet, three paragraphs of Wright's carefully detailed statement are taken up with his receipt, possession, and transmittal to the Secret Service of President Kennedy's wrist watch.

It is incredible that in the course of relating his activities, Mr. Wright could forget so singular an occurrence as his handling of an assassination bullet. In failing to have Wright testify in order to clarify this incomprehensible omission, the Commission displays once again that gross lack of curiosity so characteristic of its conduct from beginning to end. It is consistent with this pattern that neither Secret Service Agent Johnsen, nor FBI Agent Odum (who, according to the FBI letter questioned both Tomlinson and Wright) were called to testify.

That such an obviously inadequate effort was made by the Commission in tracing ~~so~~ critical a piece of evidence is inexcusable. In fact, the record justifies the conclusion that it carefully avoided any real inquiry into the background, discovery, and chain of possession of bullet 399.

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IX BULLET, BULLET, \_\_\_\_\_?

To the extent that it is possible to do so from a gleaning of testimony and exhibits (the Johnsen documents and the FBI letter); and bearing in mind the undissipated clouds which engulf bullet 399; reconstructed below is its chain of possession, from the time of its "discovery" at Parkland Hospital on November 22, 1963, until its reported use by FBI Agents Odum and Todd respectively, on June 12 and June 24, 1964, in their fruitless attempts to have it identified by any of the four people who had allegedly handled it prior to its FBI custody:

1. Darrell C. Tomlinson, senior engineer, Parkland Hospital:

Discovered bullet on a stretcher in a corridor of the hospital emergency area between 1:00 and 1:50 p.m., November 22, 1963. Called O. P. Wright and "pointed out" bullet. (Tomlinson testifies, but is asked very little about his finding of the bullet; and nothing about its appearance or his handling and disposition of it. Unlike most other hospital personnel, no written report covering his activities appears in evidence; unable to identify 399 as the bullet he "found").

2. O. P. Wright, Personnel Officer, Parkland Hospital:

Received bullet from Tomlinson; or removed it from stretcher after it was "pointed out" by Tomlinson 1:00 - 1:50 p.m., November 22. Gave it to Richard E. Johnsen shortly thereafter. (Wright not called to testify. No direct statement from him in evidence referring to bullet. He failed to mention it in lengthy report, to hospital administrator, concerning his activities November 22 - November 25 (1963), although detailing his handling of President Kennedy's wrist watch. Unable to

and natural explanation for the pristine appearance of bullet 399, we shall make two important concessions toward that end by assuming that either of the two stretchers in Tomlinson's vicinity when he "found" the bullet could have been President Kennedy's or Governor Connally's.)

Another group of the remaining hypotheses, five in number, are JFK-2b, JFK-3b, JFK-4b, JFK-9b, and MISS-3a. Four of these involve 399's escaping the car after wounding the President; and the fifth, a miss. All five make it necessary that bullet 399 be dug out of the earth at varying and indeterminate distances from the assassination site, and placed on a stretcher at Parkland. To retain any of these five as possibilities, one must be willing to believe that someone either observed the impact of an unspent bullet on the grass or soft earth, or located the spot shortly afterward; that although this occurred at an indeterminate distance from the assassination site, and despite the considerable depth to which such a bullet would penetrate such a surface,\* it was, nevertheless, promptly retrieved; and that someone then placed it on a stretcher at Parkland.

Four other alternatives, JFK-2c, JFK-3c, JFK-4c, and JFK-9c, also are cases in which 399 exited the car without striking it, after inflicting wounds on the President. Here, however, instead of penetrating the soil, 399 would have traveled unobstructed until spent.

To retain any of these four, one must accept that promptly after the shooting, the spent 399 was somehow located at what probably would have been a great distance from the assassination site (Frazier says such a bullet after piercing President Kennedy's neck would travel approximately

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\* As to depth of penetration in soft earth, Dr. Olivier's testimony gives some indication. He reveals that bullets of this type fired into tissue-simulation materials from the Mannlicher-Carcano rifle, in some cases pierced more than thirty inches of the material, and still retained sufficient energy to bury themselves in a mound of earth.



a mile if unobstructed after leaving the car -- even if it had also pierced the windshield); and that it was subsequently placed on a stretcher at Parkland. In the cases of JFK-2c and JFK-3c, we must, again, accept that 399 escaped distortion although piercing the President's skull. 5/11

Four more hypotheses involving 399's escape from the car (in these cases, as a spent bullet), after wounding the President, are JFK-2d, JFK-3d, JFK-4d, and JFK-9d; the former two, once again, only after piercing his head.

Therefore, retention of any of these four is dependent upon believing that 399 was located and recovered from the Dealy Plaza area, and placed on the stretcher; and additionally, in the two former instances, that 399 was not distorted although fracturing the President's skull.

Hypothesis MISS-3b, also, calls for the discovery of 399 in the Dealy Plaza area shortly after the shooting, and for its placement on the stretcher. Its failure to penetrate the soft surface deeply requires us to further believe that it resulted either from a very weak charge, or that it was spent as a result of having been fired from a very great distance.

Three hypotheses, JC-7a, JFK-5a, and JFK-6a, involve the surgical removal of 399 at Parkland Hospital, and its placing on a stretcher. For this to have occurred would mean that the doctors attending the victims not only failed to include such critical information in their written reports made shortly after the event, but that they falsified those reports, and committed perjury before the Commission.

Further, that this deliberate concealment of such surgical removal began at Parkland Hospital immediately after attending the victims; for at no time -- either at the November 22 hospital press conferences explaining the victims' wounds and treatment, or at any other time -- was any mention

made of a whole bullet (or "nearly whole" as the Commission chooses to describe 399) having been surgically removed from either President Kennedy or Governor Connally. And, of course, after such surgical removal, the bullet would still have to have been placed on one of the stretchers.

Before turning our attention to the two remaining hypotheses, we should note that of the "retained" hypotheses reconsidered thus far (after the elimination of the first seven), whether their individual impediments impress one as decisive or not, each of them requires that some unknown person or persons retrieved bullet 399; either from the Presidential car, or from the general vicinity of the assassination, or from an unknown location at an indeterminate distance from the site of the shooting; or from the bodies of the victims themselves; and then placed it, or arranged to have it placed, on one of the stretchers.

The point must be emphasized that not only would this be an inexcusable and inexplicable mishandling of vital evidence even if somehow committed with no sinister purpose, but that there is no reason whatsoever why this should have been done with a legitimate assassination bullet even for a sinister purpose. The "planting" of a bullet can only be with the intention of having it "found" so as to ensure positive identification with a weapon the "planter" wishes to implicate (whether such a weapon is actually involved in the crime or not). Such a person would be delighted to discover that an assassination bullet had been recovered in the near pristine condition of 399, thus assuring the desired ballistic identification. What possible motive could he then have for jeopardizing his good fortune and the legitimacy of such crucial evidence (not to speak of his own risk of criminal involvement) by "planting" it? The answer, of course, is that no such motive exists.

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XV      THE CHOICES NARROW

There are now but two hypotheses remaining for our reconsideration. They are unique in that they are the only ones that do not require 399's having been unnaturally transported from the place where it came to rest after the shooting to a hospital stretcher at Parkland. We shall take them up separately.

The first, JC-7b, states that 399 entered Governor Connally's back, exited from his chest after shattering his rib; then struck his thigh causing the small wound the doctors found there; and then became dislodged, either falling into his trousers and eventually from there onto his stretcher, or later, directly from the wound onto the stretcher.

The Commission of course believes this bullet did become so dislodged; but their three-shot limit requires also that it had already pierced and shattered the Governor's wrist during its trip from his chest to his thigh, and that it had previously gone through President Kennedy's neck before striking the Governor.

It is doubtful that anyone reading this far can still believe bullet 399 could have done what the Commission says it did. The Commission's single-assassin case is dead; laid low by the fatal blows inflicted by Abraham Zapruder's film, and neither Hypothesis JC-7b nor anything else can bring it to life. But cannot JC-7b at least provide a reasonable and legitimate explanation for 399; which, after all, is the object of our search?

An objective examination of the facts dictates an almost certain "no". Even after conceding that bullet 399 could retain its undistorted appearance after fragmenting the Governor's rib, there are other formidable



barriers in the path of JC-7b's acceptance.\*

A bullet does not fall out of its entry wound unless its penetration is extremely shallow; almost certainly, not unless its penetration was so slight as to have come to rest with part of it still protruding from the wound.\*\* But a penetration anywhere near this shallow by 399 would indicate that it was almost completely spent, retaining only a fraction of its velocity when it struck the leg. The facts are, however, that there is a bullet fragment in Governor Connally's femur, which could have entered in no other way except through the single wound observed on his thigh, the same wound the Commission says was caused by 399. How could a tiny fragment have the necessary momentum to penetrate the tissues of the thigh clear to the bone, and then penetrate deeply into the bone itself (the heaviest of the human body), if the bullet from which it came had impacted the thigh with so little force as to have become dislodged and fallen back out?\*\*\*

To believe, therefore, that JC-7b may solve the mystery of 399, one must believe either of the following:

1. That 399 struck the Governor's thigh with so little force that it fell from the wound it created; and that despite the feebleness of its impact, a fragment nevertheless instantly dislodged from it and penetrated into the femur.
2. That the fragment in the Governor's femur came from a dif-

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\* this hypothesis, of course, involves the further concession that the metal fragments left by a bullet in the Governor's chest and thigh could have come from 399, despite strong contrary testimony by the Commission's own expert witnesses.

\*\* see footnote, page 74

\*\*\* compare with Dr. Olivier's tests in which this type of ammunition completely pierced more than thirty inches of simulation materials.

ferent bullet, and that -- since it is undisputed there was only a single wound on the Governor's leg -- the then impotent 399 must have struck his thigh at the exact same place where the fragment had entered (or vice versa), thereby causing two separate entrance wounds to appear as one.

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We now have but one hypothesis, JFK-10, remaining to be reconsidered. It states that 399 first struck the President's back (or "neck", as the Commission prefers); came to rest in his body, and subsequently fell out through the same wound onto a stretcher -- presumably while chest massage was being applied at Parkland. (This indeed, is the hypothesis clearly implied-- though not quite explicitly stated --in the recently declassified and by now famous FBI report submitted to the Commission on December 9, 1963.\* The "FBI Supplemental Report" dated January 13, 1964,\* gives the depth of penetration into the President's back as " . . . a distance of less than a finger length".)

As with our preceding hypothesis, JFK-10 offers --at first glance-- a seemingly plausible legitimate explanation for the condition and discovery of bullet 399. However, a closer examination leads to a different conclusion.

To begin with, we again have the problem of "fall-out". As with the case of the Governor's slight thigh wound, for such dislodgement from the President's body to have any reasonable possibility of occurring, the

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\* Epstein, "Inquest: The Warren Commission and the Establishment of Truth", Viking. (The FBI through anonymous spokesmen has made a series of "statements" reported in the press from the 29th of May, 1966, to the present; including refusals to comment; suggestions that the FBI reports were only preliminary and hasty; and suggestions that the FBI was only repeating what the doctors had said.)

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bullet's penetration would have to be extremely shallow; by independent expert opinion, much less than even the two-to-three inches constituting a finger's length.\* Such shallow penetration could conceivably be accounted for in three ways:

1. the bullet was spent as a result of having been fired from a very great distance (as Frazier indicated; with ammunition of this type, more than a mile; obviously a circumstance less than ideal for an assassination attempt.)
2. the bullet was spent as a result of having dissipated most of its energy by encountering some other obstruction prior to striking the President's back. (Frazier's testimony indicates there was no car damage attributable to this bullet, and specifically, no holes in the upholstery. It is difficult, then to conceive of an obstruction encountered by 399 before reaching the car, that could slow it down enough to allow for

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\* The author obtained opinions from six experts; coroners, coroners' pathologists, and criminalists in three major cities. Ranging in experience from six to forty years, representing a collective total of almost one hundred years, these men had made an aggregate of approximately 15,000 separate bullet wound examinations. They were unanimous in stating the following:

1. they had never seen a case involving "fall-out" through the entrance wound by a bullet that had completely penetrated the skin, let alone two or three inches of tissue.
2. they had never heard, through their colleagues or professional journals, of such an occurrence.
3. that the only cases of "fall-out" they could conceive of --and had occasionally dealt with-- were those in which the bullet had come to rest partially protruding from the skin; either as a result of failing to completely enter the body; or, after almost piercing it entirely, failing to completely exit.

The reason given by all six experts as precluding "fallout" was that the missile, upon striking the body, forces its way through skin and tissues, which immediately contract behind it; thereby leaving a free passage smaller than the diameter of the bullet. In reply to the specific question as to whether such "fall-out" was a reasonable possibility if chest massage had been applied in an effort at revival, the unanimous answer was no.



penetration so shallow as to permit "fall-out". Even if such were the case, gross distortion of the bullet would have almost certainly resulted.)

3. The bullet was grossly underpowered as the result of a "weak charge", or otherwise defective cartridge, therefore possessing only a fraction of the velocity normal for this type of ammunition. (expert opinions received by the author indicate this is an extremely rare occurrence in ammunition of reasonably current manufacture; more frequent in very old or "reloaded" ammunition).

It follows from the above that if our final hypothesis is to be retained as an explanation of 399, we can do so logically only by accepting the following:

1. That 399 made an extremely shallow penetration of JFK's back; and did so either as a result of:
  - a. having been fired from a very great distance.
  - b. having first spent most of its energy,
    - (1) by encountering a previous obstruction prior to reaching the car;
    - (2) by first striking some portion of the car; and in either case, managed to avoid distortion.
  - c. having been fired by a cartridge so defective as to impart to it a vastly sub-normal velocity.
2. That having made such shallow penetration, 399 later fell from his back, through its own entrance wound, onto his stretcher.

In addition, for those still believing JFK-10 a reasonable

possibility, it should be recalled that yet another improbability must be added to the series on which this hypothesis already depends; that our earlier concession that President Kennedy's stretcher could have been the one on which Tomlinson found the bullet is itself contingent upon two factors:

1. that contrary to all indications, someone replaced shoots on President Kennedy's stretcher after they had been once removed, and then moved the stretcher to the elevator or corridor area where Tomlinson found it.
2. that Tomlinson arrived at the elevator close to an hour later than he said he did.

Nor is even this quite all, for JFK-10 shares with all other hypotheses one final handicap; there is no evidence of any blood or tissue ever having been on 399. Frazier --despite Eisenberg's obfuscation-- said he saw none; there is no indication that any of those handling it previously saw any; and, if any laboratory analysis was made which verified or refuted the presence of such residue, neither the Warren Report nor any of the twenty-six volumes of testimony and exhibits reveal that fact.\*

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\* Opinions received from experts referred to in footnote on page 74 reveal that such complete lack of adhering blood or tissue would be unusual for a bullet that had pierced a body.

XVI CONCLUSION

Our search for legitimacy for Commission Exhibit 399 is almost at an end. It has not been an easy one. Although all initially plausible hypotheses have been presented which could involve it as a legitimate assassination bullet (albeit, with two exceptions, a bullet which was inexplicably placed on a stretcher), most would agree that upon close examination even the least unlikely of these presents a remote possibility, at best.

And yet, 399 exists. If its undistorted appearance, immaculate condition, suspicious discovery, and mysterious handling cannot be reasonably accounted for by any hypothesis implying legitimacy, the answer must lie elsewhere.

Indeed, it has been implicit at many junctures throughout our search; and it has now become as inescapable as it is ominous:

That bullet 399 is not a legitimate assassination bullet at all; that it was never fired at any human target; that instead, it was deliberately fired in such a manner as to prevent its mutilation; and then, with the intention of assuring its identification with the Mannlicher-Carcano rifle allegedly belonging to Lee Harvey Oswald, it was planted by person or persons unknown on the hospital stretcher where it was subsequently "found".

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